

1 District Judge Benjamin H. Settle
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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 RAST SERVAN1, *et al.*,

Plaintiffs,

10 v.

11 ALEJANDRO MAYORKAS, *et al.*,

12 Defendants.

Case No. 3:24-cv-05767-BHS

13 STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
ORDER

Noted for Consideration:
November 7, 2024

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15 Plaintiffs and Defendants, by and through their counsel of record, pursuant to Federal
16 Rule of Civil Procedure 6 and Local Rules 7(d)(1), 10(g) and 16, hereby jointly stipulate and
17 move to stay these proceedings until May 13, 2025. Plaintiffs brought this litigation pursuant to
18 the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel the U.S.
19 Citizenship and Immigration Services (“USCIS”) adjudicate their Forms I-589, Applications for
20 Asylum and for Withholding of Removal. Defendants’ response to the Complaint is currently
21 due on November 25, 2024. The parties are currently working towards a resolution to this
22 litigation. For good cause, the parties request that the Court hold the case in abeyance until May
23 13, 2025.
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STIPULATED MOTION FOR ABEYANCE
[Case No. 3:24-cv-05767-BHS] - 1

UNITED STATES ATTORNEY
1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
3 control the disposition of the causes on its docket with economy of time and effort for itself, for
4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
5 P. 1.

6 With additional time, this case may be resolved without the need of further judicial
7 intervention. USCIS has scheduled Plaintiffs’ asylum interview for January 14, 2025. USCIS
8 agrees to diligently work towards completing the adjudications within 120 days of the
9 interviews, absent unforeseen or exceptional circumstances that would require additional time for
10 adjudications. If the adjudications are not completed within that time, USCIS will provide a
11 status report to the Court. Plaintiffs will submit all supplemental documents and evidence, if
12 any, to USCIS seven to ten days prior to the interview date. Plaintiffs recognize that failure to
13 submit documents prior to the interview may require the interview to be rescheduled and the
14 adjudication delayed. If needed, Plaintiffs will bring an interpreter to the interview, otherwise
15 the interview will need to be rescheduled and the adjudication delayed. After the interview,
16 USCIS will need time to adjudicate Plaintiffs’ asylum application. Once the application is
17 adjudicated, Plaintiffs will dismiss the case with each party to bear their own litigation costs and
18 attorneys’ fees. Accordingly, the parties request this abeyance to allow USCIS to conduct
19 Plaintiffs’ asylum interview and then process their asylum applications.

20 As additional time is necessary for this to occur, the parties request that the Court hold
21 the case in abeyance until May 13, 2025. The parties will submit a joint status report on or
22 before May 13, 2025.

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STIPULATED MOTION FOR ABEYANCE
[Case No. 3:24-cv-05767-BHS] - 2

UNITED STATES ATTORNEY
1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

1 DATED this 7th day of November, 2024.

2 Respectfully submitted,

3 TESSA M. GORMAN
United States Attorney

4 s/ Michelle R. Lambert
5 MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorney
6 United States Attorney's Office
Western District of Washington
7 1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402
Phone: (253) 428-3824
Fax: (253) 428-3826
Email: michelle.lambert@usdoj.gov

LAW OFFICES OF BART KLEIN

s/ Bart Klein
BART KLEIN, WSBA #10909
605 First Avenue South, Suite 500
Seattle, WA 98104
Phone: (206) 624-3787
Fax: (206) 238-9975
Email: Bart.Klein@bartklein.com

Attorney for Plaintiffs

10 Attorneys for Defendants

11 I certify that this memorandum contains 412
words, in compliance with the Local Civil Rules.

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STIPULATED MOTION FOR ABEYANCE
[Case No. 3:24-cv-05767-BHS] - 3

UNITED STATES ATTORNEY
1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

ORDER

The case is held in abeyance until May 13, 2025. The parties shall submit a joint status report on or before May 13, 2025. It is so **ORDERED**.

DATED this 8th day of November, 2024.



BENJAMIN H. SETTLE
United States District Judge